

Notice of Allowability**Application No.**

09/965,597

Examiner

Igor N. Borissov

Applicant(s)

GLUCK ET AL.

Art Unit

3628

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Interview Summary of 10/22/2008.
2. ☒ The allowed claim(s) is/are 1,4,6,15,23,26,28,37,50 and 51.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date ____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

Response to Amendment

Amendment received on 07/28/2008 is acknowledged and entered. Claims 2, 3, 5, 7-14, 16, 19-22, 24-25, 27, 29-36, 38, 41-49 have been previously canceled. Claims 1, 17, 18, 23, 39 and 40 have been amended. Claims 1, 4, 6, 15, 17, 18, 23, 26, 28, 37, 39 and 40 are currently pending in the application.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a personal interview with an applicant's representative Otho B. Ross (Reg. No.: 32,754) on Wednesday, October 22, 2008. During the interview availability of the claims over the prior art of record was discussed. Agreed, that the combined teaching of prior art does not teach the inventive features as currently recited in the claims. Furthermore, changes to claims language were discussed in order to clarify patentable subject matter and avoid issues under 35 USC 112. Finally, the Representative gave authorization for the Examiner Amendment to amend the claims and, thereby, place the claims into the condition for allowance.

The application has been amended as follows:

IN THE CLAIMS

1. (currently amended) A computer- implemented, non- buyer- driven method for facilitating the selection, purchase, configuration and installation of non- fossil- fuel- burning energy generation equipment using volume pricing and purchase commitment aggregation, comprising the steps of:

(a) establishing an automated, Internet- based, interactive and centrally- managed energy consulting system having a computer and a main database;

(b) ~~causing~~ using the computer to ~~query~~ perform a search of a plurality of ~~manufacturers' or sellers'~~ equipment suppliers' databases ~~to perform a search~~ for specification data and pricing data for non- fossil- fuel- burning energy generation equipment;

(c) collecting and storing, in the main database, selected portions of specification data and pricing data found during the search;

(d) determining at least one volume discount price level associated with at least one equipment demand level for non- fossil- fuel- burning energy generation equipment available from at least one ~~manufacturer or seller~~ equipment supplier;

(e) collecting and storing, in the database, energy usage data and site resource data received interactively from at least one customer;

(f) determining by the computer, based on the energy usage data and the site resource data, ~~the~~ a feasibility of acquiring and installing non- fossil- fuel- burning energy generation equipment for the customer;

(g) calculating by the computer, using the equipment specification data, equipment pricing data, energy usage data, site resource data, volume discount price level and equipment demand level, a proposed configuration of non- fossil- fuel- burning energy generation equipment and proposed price at the volume discount price level for the proposed configuration for the customer;

(h) transforming by the computer the equipment specification data, equipment pricing data, energy usage data, site resource data, volume discount price level and equipment demand level into a proposed equipment acquisition contract, and providing the contract to the customer;

(i) receiving an executed, contingent equipment acquisition contract from the customer, prior to the expenditure of funds to acquire equipment and pay for a site visit by an energy consultant, which contract becomes binding only if ~~the~~ an aggregate number of a plurality of customers executing acquisition contracts reaches a threshold level equal to or greater than the equipment demand level associated with the volume discount price level, and which contract remains non- binding if said aggregate number does not reach said threshold level;

(j) aggregating the contracts executed by the plurality of customers to calculate an aggregate equipment demand level;

(k) notifying the customer when the aggregate equipment demand level reaches a level equal to or greater than the equipment demand level associated with the volume discount price level;

(l) using the computer to facilitate acquisition of the equipment from ~~one or more manufacturers or sellers~~ at least one equipment supplier; and

(m) using the computer to facilitate installation of the equipment at a customer location.

2 – 3. (canceled)

4. (previously presented) The method of claim 1, in which the site resource data comprise data on customer geographic location, orientation of structures, access to an electric power grid, availability of sunlight, availability of space for photovoltaic cells, availability of wind, availability of space for wind turbines, availability of hydrogen-based fuels, availability of space for fuel cells, applicable utility tariffs and applicable governmental regulations.

5. (canceled)

6. (previously presented) The method of claim 1, in which the energy generation equipment is based on at least one of the following technologies: photovoltaic, wind

turbine, fuel cell, batteries, geothermal, passive solar, biomass, microturbines and micro-hydro systems.

7 - 14. (canceled)

15. (previously presented) The method of claim 1, in which each customer is automatically matched with at least one of a trained specifier, a trained installer, or a trained electrician.

16 - 22. (canceled)

23. (currently amended) A system comprising: including a computer and a database, wherein the system is configured for:

a main database;

a computer coupled to the main database;

wherein the computer is configured for:

(a) querying performing a search of a plurality of ~~manufacturer or seller equipment suppliers'~~ databases ~~to perform a search~~ for specification data and pricing data for non- fossil- fuel- burning energy generation equipment;

(b) collecting and storing in the main database selected portions of specification data and pricing data found during the search;

(c) determining at least one volume discount price level associated with at least one equipment demand level for non- fossil- fuel- burning energy generation equipment available from at least one ~~manufacturer or seller~~ equipment supplier;

(d) interactively collecting, and storing in the main database, energy usage data and site resource data from at least one customer;

(e) determining by the computer, based on the energy usage data and the site resource data, a feasibility of acquiring and installing non- fossil- fuel- burning energy generation equipment for the customer;

(f) calculating by the computer, using the equipment specification data, equipment pricing data, energy usage data, site resource data, volume discount price level and equipment demand level, a proposed configuration of non- fossil- fuel- burning energy generation equipment and proposed price at the volume discount price level for the proposed configuration for the customer;

(g) transforming by the computer the equipment specification data, equipment pricing data, energy usage data, site resource data, volume discount price level and equipment demand level into a proposed equipment acquisition contract, and providing the contract to the customer;

(h) receiving an executed contingent equipment acquisition contract from the customer, prior to the expenditure of funds to purchase equipment and pay for a site visit by an energy consultant, which contract becomes binding only if the an aggregate number of a plurality of customers executing acquisition contracts reaches a threshold level equal to or greater than the equipment demand level associated with the volume

discount price level, and which contract remains non-binding if said aggregate number does not reach said threshold level;

(i) aggregating the contracts executed by the plurality of customers to calculate an aggregate equipment demand level;

(j) notifying the customer when the aggregate equipment demand level reaches a level equal to or greater than the equipment demand level associated with the volume discount price level; ~~and~~

(k) facilitating acquisition of the equipment from ~~one or more manufacturer or sellers~~; at least one equipment supplier; and

(l) facilitating installation of the equipment at a customer location.

24 – 25. (canceled)

26. (previously presented) The system of claim 23, in which the site resource data comprise data on customer geographic location, orientation of structures, access to an electric power grid, availability of sunlight, availability of space for photovoltaic cells, availability of wind, availability of space for wind turbines, availability of hydrogen-based fuels, availability of space for fuel cells, applicable utility tariffs and applicable governmental regulations.

27. (canceled)

28. (previously presented) The system of claim 23, in which the energy generation equipment is based on at least one of the following technologies: photovoltaic, wind turbine, fuel cell, batteries, geothermal, passive solar, biomass, microturbines and micro- hydro systems.

29 - 36. (canceled)

37. (previously presented) The system of claim 23, in which the means to facilitate purchase and installation of the equipment includes means for automating the process of matching each customer with at least one of a trained specifier, a trained installer, or a trained electrician.

38 - 49. (canceled)

50. (new) The method of claim 1 further including the step of using the computer to automatically send invitations to customers to join organizations.

51. (new) The system of claim 23 wherein the system is further configured to automatically send invitations to customers to join organizations.

Allowable Subject Matter

Claims 1, 4, 6, 15, 23, 26, 28, 37, 50 and 51 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reason for Allowance".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Igor N. Borissov/
Primary Examiner, Art Unit 3628
11/06/2008

